

claim 6 further comprising an on-board rechargeable battery made and arranged to power said electric motor.

10. (Original) The vibrating/tamping bull-float as defined in claim 1 wherein said pushing handle is configured in a segmented manner enabling assembly and deployment in any selected one of a plurality of predetermined different lengths.

#### **Remarks**

#### **Specification and Abstract:**

The specification has been amended on pages 1 and 6 to correct a typographical spelling mistake on each page.

The abstract has been rewritten in response to the Examiner's objection set forth in Item 1 of the OA: the rewritten version is believed to overcome the objection.

**Claim 1 amendment:**

Claim 1 has been amended to avoid repetitive statements, . responsive to the Examiner's objection in **Item 2 of the OA**: e.g. "...attached to said pushing handle..." has been deleted from the first claim element, and three items are now merely recited in the preamble for purposes of establishing antecedent basis for their mention in connection with the functional explanation in the associated claim element.

Claim 1 has been further amended to more clearly, accurately and particularly define the novel structure: e.g. the stable float body being adjacent (rather than "parallel") to the vibrating float body, and their bottom surfaces being generally flat and rectangular, and disposed on the concrete top surface.

The amendments to claim 1 are presented in the spirit of merely making more explicit matter that was formerly implicit and that relied somewhat more on support from the specification and drawings.

**Claim 2 amendment:**

Claim 2 has been rewritten in independent form including the limitations of claim 1 as originally submitted including current amendment responsive to Item 2 of the OA.

**Claim 6 amendment:**

In claim 6, "camshaft" is changed to -- shaft -- to provide proper antecedent basis.

The claim amendments are remedial refinements in response to the OA or proposed voluntarily, and are not made for any constitutional requirement.

**Rule 102(b) rejection:**

Rejection of claims 1 and 10 as anticipated by the cited

Saffo patent is respectfully traversed on grounds of substantial structural differences that, as discussed below, are of a nature and extent that the claimed invention is clearly distinguishable as a different and patentable invention.

The term "float body", as used consistently in the context of the present invention, must be understood to refer strictly to a generally rectangular panel having a substantially flat horizontal bottom surface disposed on the top surface of the freshly poured concrete.

The claimed invention utilizes two such float bodies: a stable float body 2 that provides a smoothing effect and at least one vibrating float body 3, pivotally attached along a longitudinal edge of each, the vibrating float body 3 being made to vibrate radially about the pivot point to produce generally vertical vibration of the float in order to provide the required tamping effect.

In a much different process that is outside the scope of the claimed invention, a leveling blade, e.g. leveling blade 14 in the Saffo reference, in a generally vertical orientation may be utilized to first level the surface before tamping and/or smoothing. Typically, if the leveling blade is vibrated, it would be vibrated in a horizontal direction, e.g. often a manual longitudinal "sawing" action especially whenever the ends of the leveling blade can rest on top edges of side forms as guides to prevent any vertical vibration or displacement of the leveling blade.

#### **Major distinctions:**

(1) The Saffo patent fails to teach the vibrating float body 3 of the present invention. The Saffo leveling blade 14, leveling blade 14 with its predominantly vertical orientation as shown in the Saffo drawings with only a narrow bottom edge contacting the concrete top surface could be not be properly

termed "a vibrating float body" or considered equivalent to the vibrating float body of the present invention, wherein the area of the bottom surface is about 40% to 80% of the area of the stable float body (as scaled from the drawings). The Saffo equivalent is merely the narrow bottom edge of blade 14.

(2) Saffo fails to teach vibration as a key element of his different invention, teaching primarily a non-powered hand-operated apparatus, suggesting vibration only briefly as an option in a very vague and unclear manner that fails to associate vibration with blade 14, smoothing float 12, or both. In contradistinction, the claimed invention is disclosed and claimed exclusively a powered device in which vibration is a key element.

(3) Due to the entirely different functional operation of the Saffo leveling blade 14, which engages float 12 in much different manner than the pivotal attachment of the two floats in the claimed invention, Saffo requires, teaches vaguely and indefinitely, shows and claims a "connecting strip" 16, and an associated offset major flange formed at the left hand end of float 12 to accommodate strip 16 (FIGs. 5, 6, 8A, 8B). Neither the strip 16 nor the major offset flange of the Saffo invention are needed or found anywhere in the claimed invention.

(4) The Saffo drawings show blade 14 engaging float 12 (but not pivotally attached) along a lateral edge thereof, whereas the vibrating float 3 of the claimed invention is pivotally attached to a longitudinal edge of stable float 2.

It is believed these differences clearly distinguish the two different inventions from each other, and that the claimed invention is not anticipated by the cited art.

**Rule 103(b) rejection:**

Rejection of claims 5 and 8 as rendered obvious under Rule 103(b) by the cited Saffo patent in view of patent 5,224,305 to Lindley is respectfully traversed on grounds of the several

substantial structural differences between the postulated combination and the claimed invention as described above and below.

There is no showing from either cited reference that teaches or suggests the combined structure of the stable float body and the vibrating float body as presently claimed.

Like Saffo, Lindley teaches effectively a leveling blade, and not a tamping vibrating float body of the claimed invention. This is evidenced by the fact that, as shown in the Lindley drawings, the orientation of the offset weight would produce, alone or in combination with Saffo, an orbital vibration in only predominantly horizontal directions instead of the substantial vertical vibration required and accomplished in the vibrating float body of the claimed invention.

The totality of these differences are believed to be of a nature and extent that clearly the claimed invention would not be obvious to one of ordinary skill under Rule 103(b).

**Summary:**

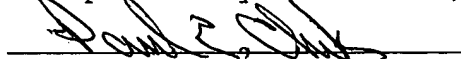
Claim 2 as now rewritten in independent form, and claim 3 depending thereto, are believed to be allowable in accordance with Item 5 of the OA under "Allowable Subject Matter".

Regarding claim 1 and claims 4-10 depending thereto, it is believed that with claim 1 as now amended, and in view of the above remarks, the Rule 102(a) and Rule 103(a) rejections have now been overcome.

Therefore pending claims 1-10 are believed to be in condition for further examination and allowance. Such action is earnestly requested.

No additional fee is seen as required at this time.

Respectfully submitted,



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